

# Judicial Administration Program Area Summary

## Overview

The four agencies in this program area – Circuit Court and Records, Office of the Commonwealth’s Attorney, General District Court and the Office of the Sheriff – are all dedicated to providing equal access for the fair and timely resolution of court cases. The Circuit Court, with 15 judges, has jurisdiction in criminal cases that involve a possible sentence to the State Penitentiary as well as misdemeanor appeals. It also has civil jurisdiction for adoptions, divorces and lawsuits where the claim exceeds \$20,000. The General District Court has ten judges and exercises jurisdiction over criminal and traffic court, and civil/small claims (not exceeding \$20,000). The General District Court also assists defendants who request court-appointed counsel or interpretation services, interviews defendants in jail in order to assist judges and magistrates with release decisions, operates a supervised release program, and provides probation services to convicted misdemeanants and convicted non-violent felons.

The Commonwealth’s Attorney is a constitutional officer of the Commonwealth of Virginia. He is elected by the voters of Fairfax County and Fairfax City and is responsible for the prosecution of crimes. The Office of the Sheriff falls under two program areas – Judicial Administration and Public Safety. In the Judicial Administration program area, approximately 27 percent of the agency staff ensure courtroom and courthouse security, as well as provide service of legal process, contributing to the swift and impartial adjudication of all criminal and civil matters before the courts.

A key development in this program area involves the Judicial Center Expansion project, which includes a 316,000-square-foot addition to the Jennings Judicial Center including courtrooms, judges’ chambers, office space, necessary support spaces and site improvements. The expansion project is currently underway and will consolidate court services, reduce overcrowding, allow after-hour access to the public law library and other court clerk functions, and provide additional courtroom space when it is completed in April 2007. Renovation will begin after the expansion project is complete and includes work to the existing 230,000-square-foot courthouse. This phase has a projected completion date of February 2008. This project is primarily supported by 1998 and 2002 Public Safety Bond Referenda. A project of this magnitude will likely have an impact on operations; however, staff will work to minimize service disruptions. In addition, renovation and technology upgrades to the 25 existing courtrooms that will remain in use after the expansion are being reviewed but are not currently funded. A funding source has not been identified for this project, which is estimated to cost \$400,000 per courtroom or a total of \$10 million.

## Strategic Direction

As part of the countywide focus on developing strategic plans, agencies took steps to establish or update their vision and values statements; perform environmental scans; and define strategies for achieving their missions. These are then linked to the overall County Core Purpose and Vision Elements (see adjacent box). Common themes in the Judicial Administration program area include:

- Equal access to justice
- Fair and timely resolution of cases
- Effective use of technology
- Volunteer utilization
- Courthouse security

A high workload continues to challenge each of the agencies in the Judicial Administration program area. These workloads require each of the affected agencies to find ways to leverage constant or even decreasing resources in the face of increasing demands, largely due to the growing population.

In 2003, the Circuit Court recorded 462,384 land documents, more than double the average for the last 15 years; in 2004, 476,862 documents were recorded which is a 3.1 percent increase over the 2003 total. These figures represent record-breaking years for the Land Records section. Prior to the automated recording system, land documents were manually processed through 12 steps (representing approximately 42 million

### COUNTY CORE PURPOSE

*To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County by:*

- Maintaining Safe and Caring Communities
- Building Livable Spaces
- Practicing Environmental Stewardship
- Connecting People and Places
- Creating a Culture of Engagement
- Maintaining Healthy Economies
- Exercising Corporate Stewardship

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pages handled) during the recording process. Through advanced technologies such as digital imaging and electronic filing, the Clerk's office is continuing to revolutionize the manner in which court documents are recorded, filed and accessed. While these technologies are a major improvement in public service to all users of this recording and retrieval system, the technologies have not fully addressed the high volume workload of the Land Records staff. The average backlog of mailed documents is 12,500 documents, which equates to approximately 62.5 days of work for the Land Records staff. Verification and mailing back the documents add to the backlog problem such that the total backlog equates to 125 days of work for this section.

In the Office of the Commonwealth's Attorney, the caseload of the office is substantial and is one of the highest per prosecutor in the Commonwealth. For example, it handles such offenses as murder, rape, robbery, burglary and illegal drug sales, from arrest to trial. It prosecutes a wide variety of misdemeanor and traffic cases, including more than 4,000 driving under-the-influence violations, as well as thousands of assaults and petty thefts.

The General District Court has also been impacted by increases in caseload, especially in the last two years where it has seen a 16 percent increase in total cases. In particular, the Traffic caseload increased by 39,878 new cases or 21.5 percent in calendar year 2004 over the previous year, the highest increase in over five years. As a result of these caseload increases, 1/1.0 SYE Probation Counselor II for the Court Services Division (CSD) is added for FY 2006. The CSD has experienced a high turnover rate in its Case Management Unit due to the workload and salary level since the state pay scale is lower than the County and the state has not provided step increases. This position will address an increased workload including providing investigative information on incarcerated defendants to judges and magistrates to assist them with release decisions; providing pretrial community supervision to defendants awaiting trial; and supervising probation for convicted misdemeanants and convicted non-violent felons. In FY 2004, the Court's probation counselors each had an average daily caseload of 46 pretrial cases as well as 56 probation cases. This exceeds the state's standards of 25 pretrial cases and 50 probation cases.

More on each agency in this program area can be found in the individual narratives that follow this section.

### Linkage to County Vision Elements

This program area supports the following four of the seven County Vision Elements:

- Maintaining Safe and Caring Communities
- Connecting People and Places
- Creating a Culture of Engagement
- Exercising Corporate Stewardship

Predominant among the strategic priorities of this program area is the **Maintaining Safe and Caring Communities** vision element. All four of the agencies work in concert to realize that vision. After defendants are booked, the staff in the General District Court's Pre-Trial Release program performs a review to determine which defendants can be released at the initial bail hearing instead of at the arraignment hearing. This saved 1,405 jail days in FY 2004, reducing the cost of incarceration, while ensuring that the public is at minimal risk. The state-mandated Pre-Trial Risk Assessment instrument is used to improve the assessment of defendants' risk factors. All three courts – Circuit, General District, and Juvenile and Domestic Relations District (in the Public Safety program area) work closely to create a standardized list of qualified foreign language interpreters to ensure that only the most qualified are used in the courtroom, thus affording equal access to non-English petitioners before the court. The courts are also increasing the number of volunteers recruited and are expanding their duties to help address a growing workload without adding paid positions. Managing community service is another key function of the General District Court, which had 68 citizens/interns volunteer a total of 6,407 hours in FY 2004.

Judicial Administration agencies are using technology extensively to address the **Connecting People and Places** vision element. The Circuit Court is continually making additional forms available on their website. These forms are consistent in form and processing capabilities with state and County paper forms and are interactive, meaning that the public can access and complete them conveniently at home, saving unnecessary trips to the Judicial Center. Citizens also have access to juror information 24 hours a day, seven days a week

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through the Web and the telephone, allowing them access when they need it, not just when staff is available. The Circuit Court is also working to expand the capability of any authorized party to enter into an agreement with the Clerk of the Circuit Court to electronically file any type of land document. The County was instrumental in initiating a change in the Code of Virginia to expand the types of land records that could be electronically recorded. A pilot in FY 2003 allowed for government or quasi-government agencies to electronically file mortgage releases. Based on the success of that pilot, e-filing will be expanded with an estimated 40 percent of land records anticipated to be filed this way within five years.

This program area also emphasizes the use of volunteers as critical to **Creating a Culture of Engagement**. As noted above under the **Maintaining Safe and Caring Communities** vision element, the number and scope of volunteer opportunities have been expanded. This helps leverage scarce resources as volunteers provide support for administrative, accounting and technology functions. This also helps them to better understand the role the courts play in the community and connects them to their local government. Volunteer opportunities are not only advertised through Volunteer Fairfax, but are also posted on the County website to provide easier and more widespread access.

Managing in a resource-constrained environment, while the service population and accompanying needs are increasing, presents a challenge to be creative if agencies are to fulfill their missions. As an example of **Exercising Corporate Stewardship**, the courts implemented a case management e-filing system with imaging components to place case information on the Internet, providing attorneys and others with 24/7 access to court calendars and information screens.

### Program Area Summary by Character

Category	FY 2004 Actual	FY 2005 Adopted Budget Plan	FY 2005 Revised Budget Plan	FY 2006 Advertised Budget Plan	FY 2006 Adopted Budget Plan
Authorized Positions/Staff Years					
Regular	342/ 341	342/ 341	342/ 341	343/ 342	343/ 342
Exempt	29/ 29	29/ 29	28/ 28	28/ 28	28/ 28
State	139/ 132	139/ 132	139/ 132	139/ 132	139/ 132
Expenditures:					
Personnel Services	\$20,230,766	\$21,014,686	\$21,031,024	\$21,958,189	\$22,134,189
Operating Expenses	5,934,765	6,058,463	6,569,245	6,180,628	6,442,477
Capital Equipment	0	0	92,217	0	0
<b>Total Expenditures</b>	<b>\$26,165,531</b>	<b>\$27,073,149</b>	<b>\$27,692,486</b>	<b>\$28,138,817</b>	<b>\$28,576,666</b>
<b>Income</b>	<b>\$23,493,580</b>	<b>\$18,643,282</b>	<b>\$21,765,533</b>	<b>\$19,633,781</b>	<b>\$19,688,734</b>
<b>Net Cost to the County</b>	<b>\$2,671,951</b>	<b>\$8,429,867</b>	<b>\$5,926,953</b>	<b>\$8,505,036</b>	<b>\$8,887,932</b>

### Program Area Summary by Agency

Agency	FY 2004 Actual	FY 2005 Adopted Budget Plan	FY 2005 Revised Budget Plan	FY 2006 Advertised Budget Plan	FY 2006 Adopted Budget Plan
Circuit Court and Records	\$8,817,706	\$9,441,655	\$9,649,699	\$9,717,048	\$9,737,048
Office of the Commonwealth's Attorney	1,744,573	2,006,605	2,009,824	2,067,546	2,067,546
General District Court	1,530,460	1,540,603	1,783,953	1,724,182	1,986,031
Office of the Sheriff	14,072,792	14,084,286	14,249,010	14,630,041	14,786,041
<b>Total Expenditures</b>	<b>\$26,165,531</b>	<b>\$27,073,149</b>	<b>\$27,692,486</b>	<b>\$28,138,817</b>	<b>\$28,576,666</b>

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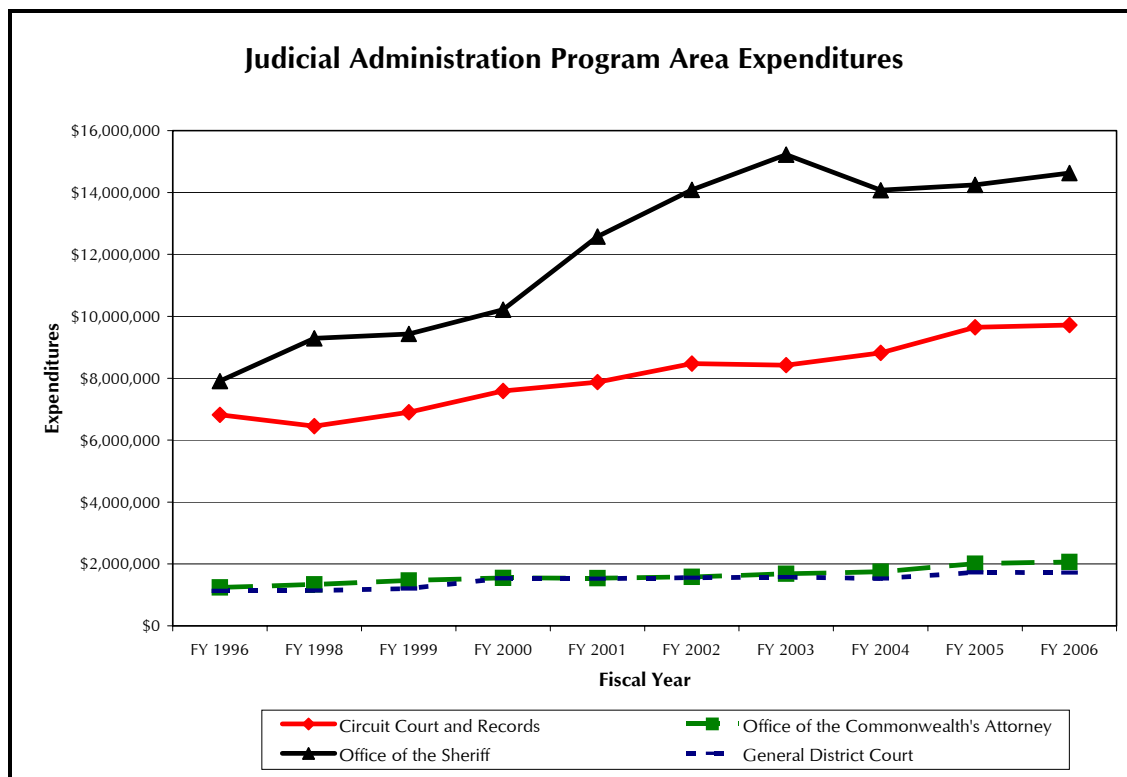
## Budget Trends

For FY 2006, the recommended funding level of \$28,576,666 for the Judicial Administration program area comprises 2.6 percent of the total recommended General Fund expenditures of \$1,083,966,875. It also includes 371 or 3.2 percent of total authorized positions for FY 2006 (not including state positions).

Judicial Administration program area expenditures will increase by \$884,180, or 3.2 percent, over the FY 2005 Revised Budget expenditure level. This increase represents 3.0 percent of the total General Fund direct expenditure increases in FY 2006 and is primarily associated with Personnel Services costs related to salary adjustments necessary to support the County's compensation program, as well as increases to the shift differential rate and holiday pay for all the agencies in this program area. The Board of Supervisors also approved a 25 percent supplement in the base pay for magistrates as part of the FY 2006 budget. In addition, the increase is due to the addition of 1/1.0 SYE Probation Counselor II position in General District Court to address substantial workload-related issues. It is important to note that revenue, predominantly for fines and forfeitures, offsets a majority of the costs of this program area. For FY 2006, projected revenue of \$19,688,734 represents almost 70 percent of total expenditures.

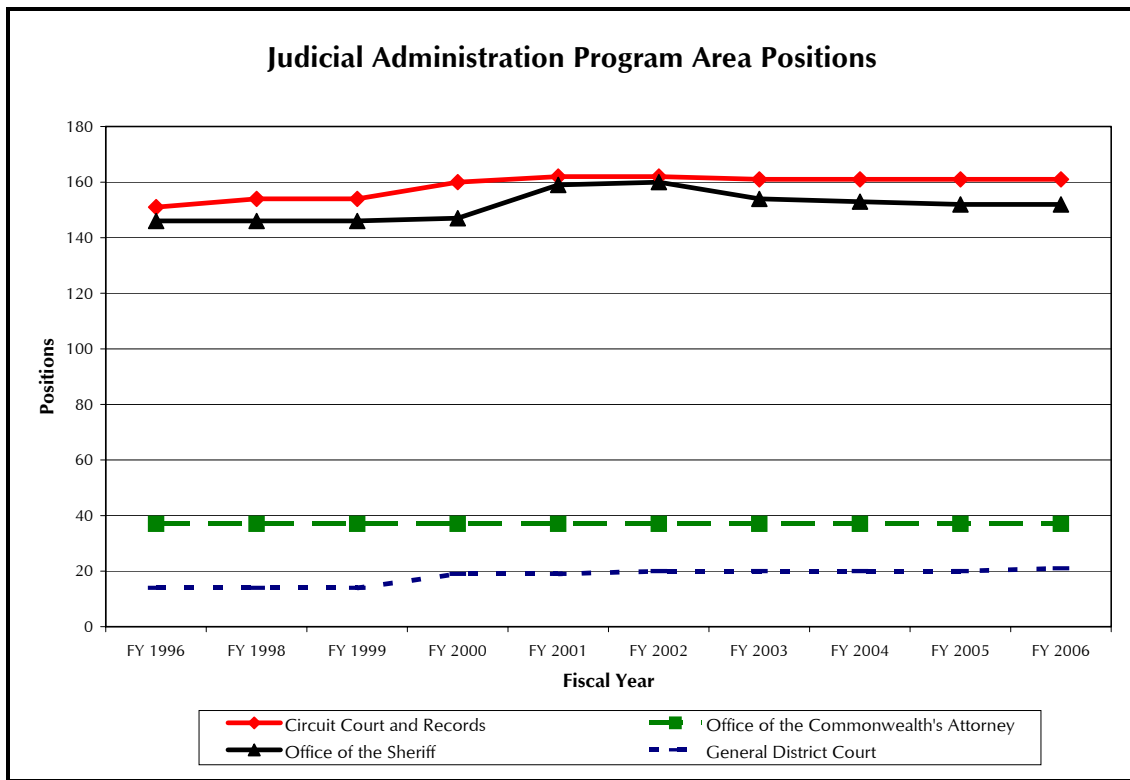
The following graphs illustrate funding and position trends for the four agencies in this program area.

## Trends in Expenditures and Positions

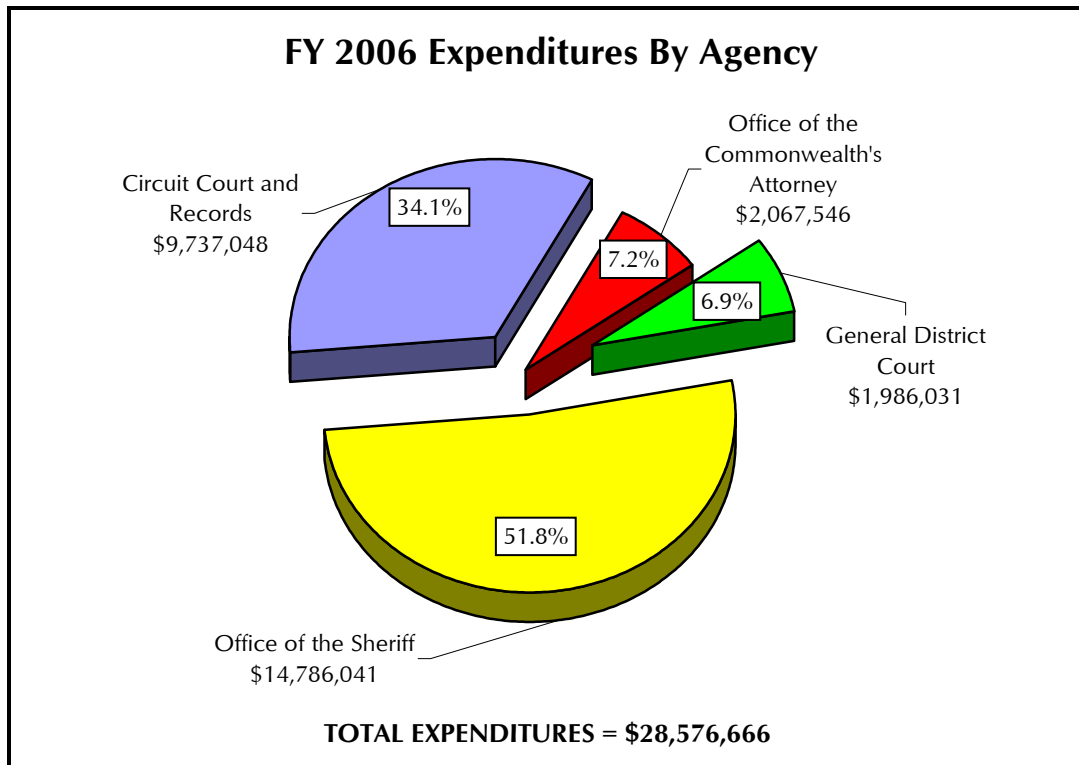


Note: The spike in expenditures during FY 2003 for the Office of the Sheriff was due to two payments made to the consultant for the Illegal Alien Grant, based on the timing of the grant award. In addition, FY 2003 overtime costs were higher than anticipated due to turnover.

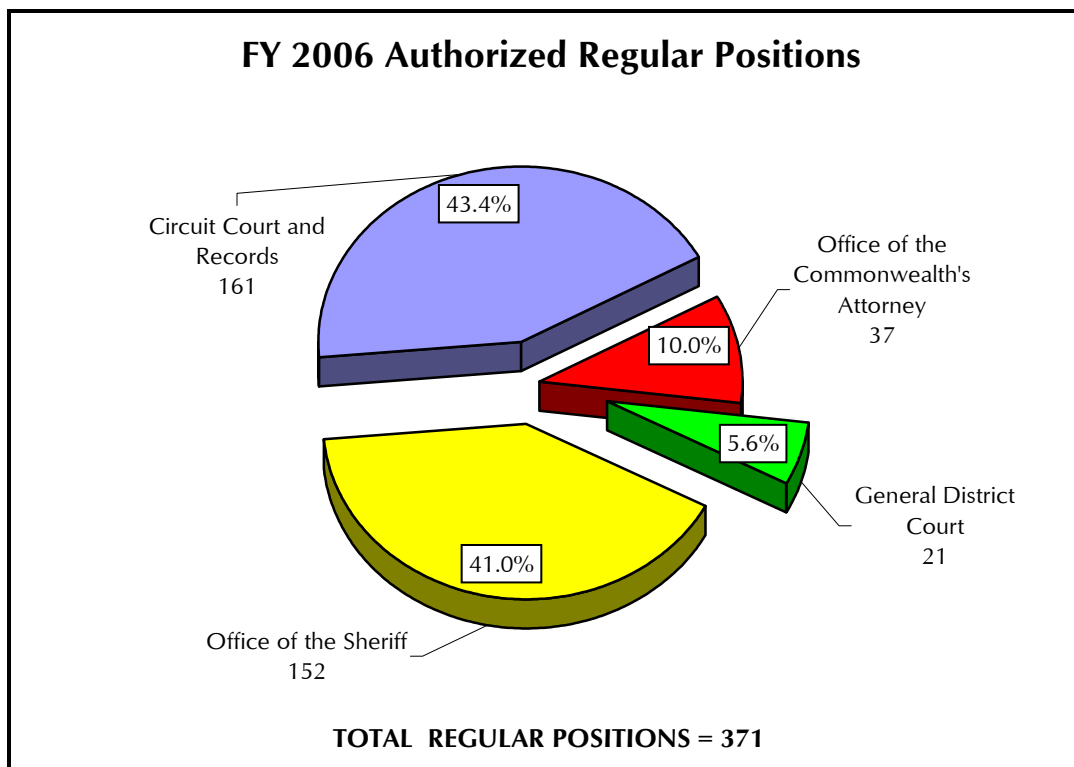
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## FY 2006 Expenditures and Positions by Agency



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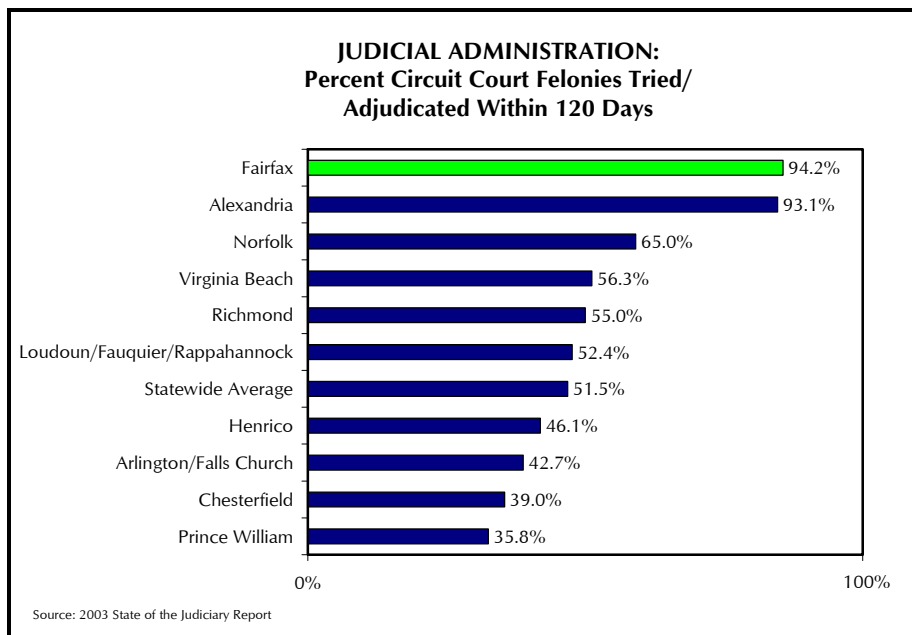
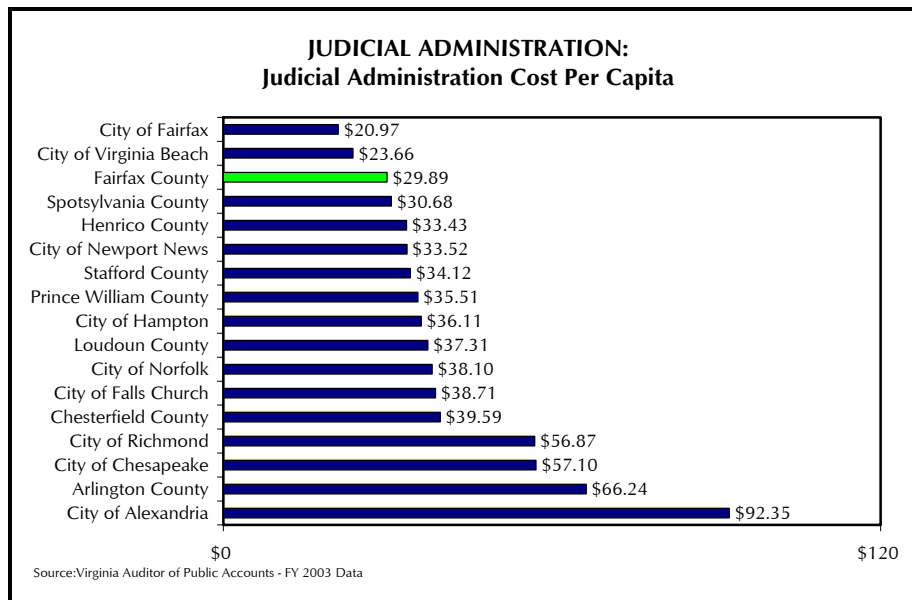
### Benchmarking

For the first time, comparative data on cost per capita by program area that are collected by the Auditor of Public Accounts (APA) for the Commonwealth of Virginia are included here. FY 2003 represents the most recent year for which data are available due to the time required to collect and verify the data. An advantage to including these APA data is the comparability. In Virginia, local governments follow stringent guidelines regarding the classification of program area expenses. Cost data are provided annually to the APA for review and compilation in an annual report. Since these data are not prepared by any one jurisdiction, their objectivity is less questionable than they would be if collected by one of the participants. In addition, a standard methodology is consistently followed, allowing comparison over time. For each of the program areas, these comparisons of cost per capita are the first benchmarks shown in these sections. As seen below, Fairfax County has one of the lowest cost per capita rates in the Judicial Administration program area among Northern Virginia localities and other large Virginia jurisdictions.

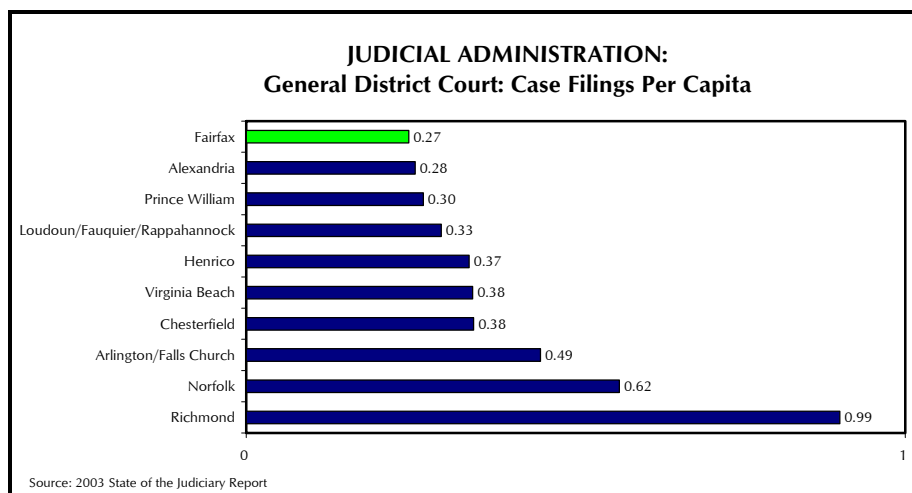
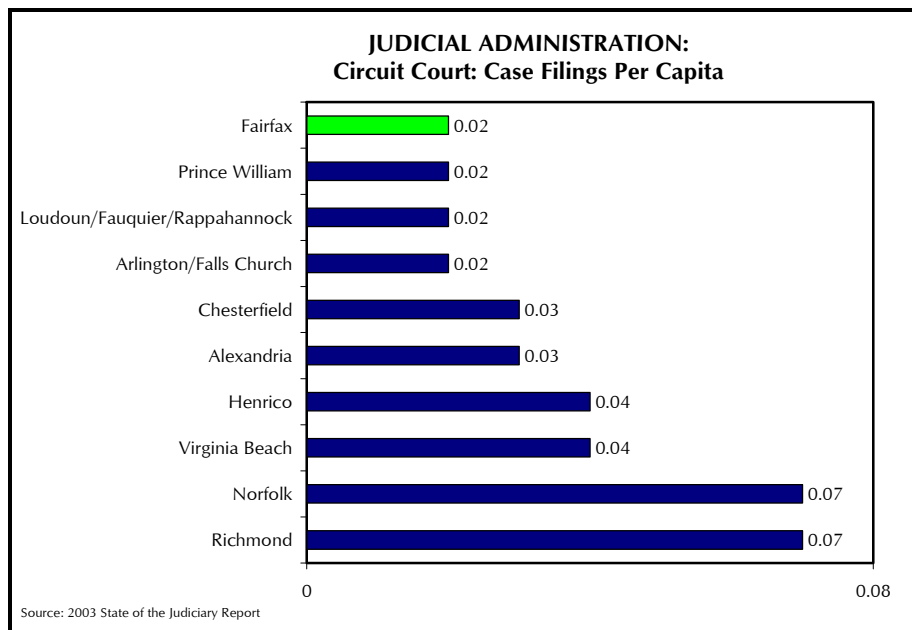
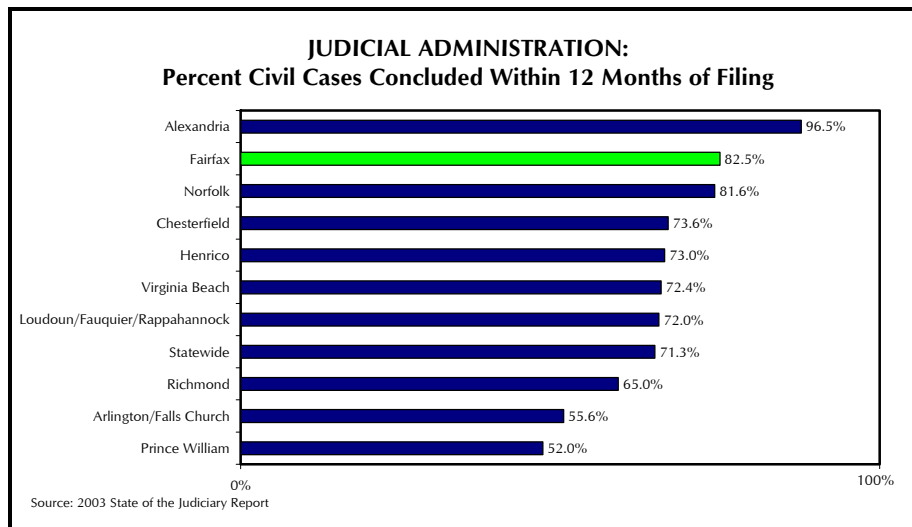
While a large part of Fairfax County's comparative performance data comes from participation in the International City/County Management Association's (ICMA) benchmarking effort, judicial administration is not a service area that is addressed in that program. However, the State Supreme Court produces an extensive report on the annual "State of the Judiciary." The most recent report available is for Calendar Year 2003. This report provides detailed data for each of the districts in the Commonwealth of Virginia and addresses Circuit, General District and Juvenile and Domestic Relations District Courts. Trends within each district are provided as are comparisons to state averages. The charts shown below reflect data from this report.

As can be seen on the following page, 94.2 percent of felony cases concluded in Fairfax's Nineteenth Circuit in 2003 reached termination within 120 days of initiation. Among the 31 circuits in the Commonwealth, the Nineteenth again ranked first in 2003 in terms of the percentage of felonies tried/adjudicated within 120 days of arrest, attesting to the timeliness of justice in Fairfax County. Statewide, 51.5 percent of felony criminal cases were concluded within 120 days in 2003. In 2003, Fairfax ranked second in civil cases concluded within 12 months of filing with 82.5 percent. The statewide average was 71.3 percent.

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